

# PREVENTION OF SEXUAL HARRASSMENT TRAINING



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# SEXUAL HARASSMENT



Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

It involves a person's job, pay or career:

- Basis for employment decision
- Interferes with performance or creates an intimidating, hostile or offensive work

# MUST MEET THREE CRITERIA



- **Must be  
unwelcome**
- **Sexual in  
nature**
- **Occur in or  
impact on the  
work  
environment.**

# Prevention of Sexual Harassment

- Prevention is the best tool to eliminate sexual harassment in the workplace.
- Employers are encouraged to take steps necessary to prevent sexual harassment from occurring.
- They should clearly communicate to employees that sexual harassment will not be tolerated.
- They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process; taking immediate and appropriate action when an employee complains.

# Reprisal Action - Unlawful

- It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying or participating in any way in an investigation, proceeding, or litigation under Title VII.
- Prohibited by Law and Regulation

# Sexual Harassment

- Sexual harassment can occur in a variety of circumstances, including but not limited to the following:
  - The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
  - The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
  - The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
  - Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
  - The harasser's conduct must be unwelcome.

# Types of Sexual Harassment

## Quid Pro Quo and Hostile Work Environment

- **Quid Pro Quo**
- **Quid pro quo sexual harassment occurs when an individual's submission to or rejection of sexual advances or conduct of a sexual nature is used as the basis for employment decisions affecting the individual or the individual's submission to such conduct is made a term or condition of employment.**
- **It is sufficient to show a threat of economic loss to prove quid pro quo sexual harassment.**
- **A single sexual advance may constitute harassment if it is linked to the granting or denial of employment benefits.**
- **Courts have held employers strictly liable for quid pro quo sexual harassment initiated by supervisory employees.**
- **A subordinate who submits and then changes her or his mind and refuses can still bring quid pro quo sexual harassment charges.**

# Hostile Work Environment Harassment

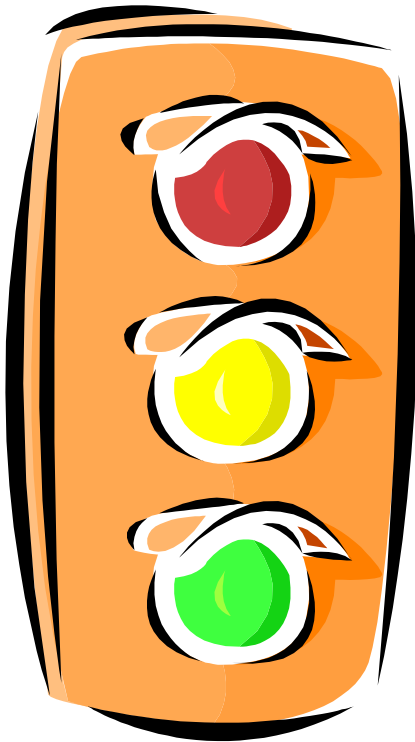
- **Hostile environment sexual harassment** occurs when unwelcome sexual conduct unreasonably interferes with an individual's job performance or creates a hostile, intimidating or offensive work environment even though the harassment may not result in tangible or economic job consequences, that is, the person may not lose pay or a promotion. Employers, supervisors, coworkers, customers, or clients can create a hostile work environment.
- **Hostile environment sexual harassment might include:**
  - repeated requests for sexual favors
  - demeaning sexual inquiries and vulgarities
  - offensive language
  - other verbal or physical conduct of sexual or degrading nature
  - sexually offensive, explicit or sexist signs, cartoons, calendars, literature or photographs displayed in plain view
  - offensive and vulgar graffiti



# Behavioral Zones

- Department of Defense has developed three behavioral zones for training purposes to categorize some the behaviors you may encounter in the workplace.

# BEHAVIORAL ZONES



- **RED**
- **YELLOW**
- **GREEN**

# GREEN ZONE BEHAVIOR

Acceptable not Sexual Harassment

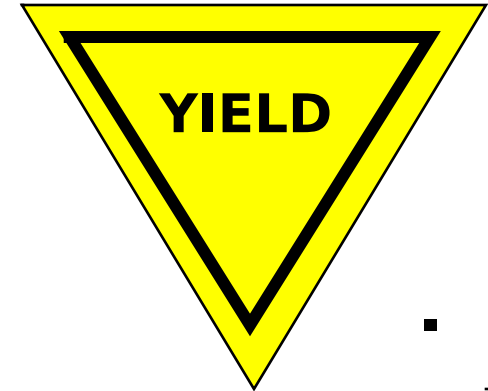
- Performance counseling
- Polite touching e.g. on the elbow
- Social interaction
- Showing concern
- Encouragement
- Polite compliment
- Friendly conversation



# YELLOW ZONE BEHAVIOR

Use Caution

- Violating personal “Space”
- Whistling (at someone)
- Questions about personal life
- Posters/calendars
- Off-color jokes
- Leering and staring
- Repeated requests for dates
- Foul language
- Unwanted correspondence/E-mails
- Suggestive touching, sitting or gesturing.

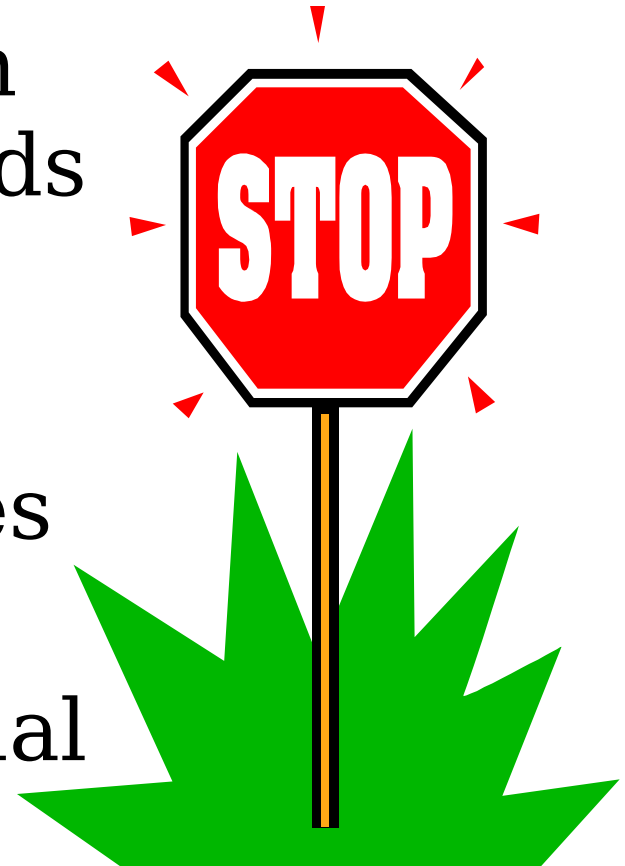


**IF YELLOW ZONE BEHAVIOR IS TOLD IT IS NOT WELCOME  
AND REPEATED, IT BECOMES SEXUAL HARASSMENT PER  
DOD REGULATION**

# RED ZONE

**STOP! Don't do it! *Always* Considered Sexual Harassment**

- Sexual favors in return for employment rewards
- Threats
- Sexually explicit (pornographic) pictures displayed/E-mails
- Criminal conduct/Sexual assault



# Determining Liability for Sexual Harassment

- Is there an effective Sexual Harassment policy in place?
- When the employer learned or should have known, of the Sexual Harassment, did they take prompt, effective action, reasonably calculated to end the harassment?

# Confidentiality

- All incidents shall be resolved promptly and with sensitivity. Confidentiality will be maintained to the greatest extent possible. For civilian employees, confidentiality is guaranteed during the informal stage of a discrimination complaint, if requested.
- Feedback will be provided to all affected individuals consistent with the requirements of the Privacy Act, Freedom of Information Act, and other pertinent laws, regulations and negotiated agreements.

# Liability

- There are two conditions that determine liability for employers in cases of hostile environment sexual harassment:
- The employer knew or should have known about the harassment, and
- The employer failed to take appropriate corrective action.
- An employer can be held liable for the creation of a hostile environment by a supervisor, by non-supervisory personnel, or by the acts of the employer's customers or independent contractors if the employer has knowledge of such harassment and fails to correct it.



# Reporting Sexual Harassment

- USUHS is required to display EEO posters regarding the reporting of Sexual Harassment and discrimination based on race, color, national origin, sex, age (over 40), disability, religion or reprisal.
- Communicate the USUHS President's Policy Statement.
- If you have any questions, call the POC on the poster or the POC listing at the end of this training module.

# REPORTING - THE EMPLOYEE'S OPTIONS

- **Do you know how and where to report sexual harassment?**

**Supervisor**

**EEO Office (Room G-056; 301-295-3032)**

**CHR**

- **File an EEO complaint (45 calendar days limit to file/contact applies)**
- **Use of DoD's Informal Resolution System**
- **Alternate Dispute Resolution (ADR)**
- **Title 10 Section 1561**

**When you report it.....**

# Management Inquiry/Agency Investigation

(This is not an option)

- **USUHS Will:**

- Conduct an inquiry - Can be informal or formal
- Why? To take “Necessary, Immediate, and Appropriate” corrective action
- Best Practice - This may reduce or relieve agency liability

**All reported incidents of Sexual Harassment shall be investigated and resolved at the lowest appropriate level.**

# Option 1 - EEO PROCESS



- If you choose the EEO process, the EEO complaint based on sexual harassment\* complaint **MUST** be filed within **45 calendar days** of the occurrence of the alleged act, the effective date of an alleged discriminatory personnel action, or the date that the aggrieved person knew or reasonably should have known that it occurred.
- \* Or other basis -Race, Color, National Origin, Disability, Religion, Age (Over 40) and Reprisal.

## Option – 2 Department of Defense's Informal Resolution System (IRS)

**If you choose DoD's IRS - the Resolution Options are:**

- Direct Approach - Request/Demand the behavior to stop**
- Informal Third Party - Request an informal third party to inform the alleged harasser to stop the behavior**
- Request Training Information Resources**

## Option - 3 Alternate Dispute Resolution (ADR)

- ❑ What is ADR? ADR is the intervention into a dispute or negotiation of an acceptable, impartial and neutral third party who has no decision-making authority. The objective of this intervention is to assist the parties in reaching an acceptable resolution of issues in dispute voluntarily.
- ❑ To request Mediation/Conciliation – please contact your EEO Office or CHR.

# MEDIATION/CONCILIATION

- Confidential
- Best option for all DISPUTES!
- Minimum participants
  - Complaint/Representative
  - Management/Representative
  - Mediator/Conciliator
  - Union Representative (when applicable)
- Saves money
- Win-Win Situation
- Call CHR or the EEO Office for more info

# **If an Employee Notifies You of an Allegation of Discrimination (Including Sexual Harassment) You Must:**

- **Refer the employee to the EEO officials**
- **Keep notes**
- **Notify the EEO Office immediately**
- **Follow up**



# WHERE CAN YOU GET ADVICE?

- **Co-Worker**
- **Supervisor**
- **Chaplain**
- **Legal Officer**
- **Equal Employment Opportunity (EEO) Office (301-295-3032)**
- **Civilian Human Resources (CHR) Office**

# How Can You Prevent Sexual Harassment

- You set the tone.
- Lead by Example.
- Keep your Eyes and Ears open.
- **Refuse to accept even Yellow Zone Behavior.**
- Demand mature behavior.
- Ensure you receive EEO Education & Training.
- Be aware of the outlets for reporting.
- Co-operate.

## Finally .....If you are a Supervisor Acting on Reports of Sexual Harassment

- ❑ Ensure Your Employees are advised of EEO rights (Refer the employee to EEO Office)
- ❑ EEO Office (301-295-3032)
- ❑ Seek Counsel
- ❑ Appropriately investigate all allegations
- ❑ Take Prompt, appropriate and effective remedial action (varies with circumstances and investigative findings).
- ❑ Communicate with the Complainant
- ❑ Follow Up

# Are you ready to take the QUIZ?

1. Sexual Harassment is:
  - a. Bad Behavior
  - b. Accepted as normal behavior where I work
  - c. A form of sex discrimination that is sexual in nature
  - d. Objectionable, sexually related misconduct.
2. There are two forms of sexual harassment and they are:
  - a. Quid Pro Quo and Hostile Work Environment
  - b. Verbal and Behavior
  - c. Individual and Group.

# Correct Answer

- **Question 1 = c**

- c. A form of sex discrimination that is sexual in nature

- **Question 2 = a**

- a. Quid Pro Quo and Hostile Work Environment

# Are you ready to take the QUIZ?

3. What is “Quid Pro Quo” sexual harassment?
  - a. Confrontation
  - b. “Something for something” expression
  - c. Individual and Group
  
4. Sexual Harassment: *(May have more than one correct answer)*
  - a. Happens at the workplace
  - b. Is unwelcome
  - c. Is sexual in nature
  - d. Creates hostile work environments
  - e. All of the above

# Correct Answer

- **Question 3 = b**

b. “Something for something” expression

- **Question 4 = e**

e. All of the above

# Are you ready to take the QUIZ?

5. What is Green Zone Behavior?
  - a. Requesting Dates Frequently
  - b. Performance Counseling, Polite Concern and Friendly Conversation
  - c. Means Don't Do It
  
6. What is Yellow Zone Behavior? *(More than one answer can be correct!)*
  - a. Regarded as inappropriate by most people "Use Caution"
  - b. It is O.K. to do it again and again
  - c. If yellow zone behavior is brought to the attention of the alleged offender and then repeated, it becomes sexual harassment per DoD guidelines



# Correct Answer

- **Question 5 = b**

- b. Performance Counseling, Polite Concern and Friendly Conversation

- **Question 6 = a and c**

- a. Regarded as inappropriate by most people “Use Caution”

- c. If yellow zone behavior is brought to the attention of the alleged offender and then repeated, it becomes sexual harassment per DoD guidelines

# Are you ready to take the QUIZ?

7. What is an example of Yellow Zone Behavior?
  - a. Encouragement
  - b. Performance Counseling
  - c. Violating someone's personal "space"
  
8. What is Red Zone Behavior?
  - a. Always considered sexual harassment
  - b. Means 'Stop, don't do it!' Always unacceptable
  - c. Asking someone on a date

# Correct Answer

- **Question 7 = c**

- c. Violating someone's personal "space"

- **Question 8 = a and b**

- a. Always considered sexual harassment

- b. Means 'Stop, don't do it!' Always unacceptable

# Are you ready to take the QUIZ?

9. A supervisor advises a poor-performing employee that her performance has been unacceptable. This is a:
  - a. Red Zone Behavior
  - b. Yellow Zone Behavior
  - c. Green Zone Behavior
  
10. On 25 March 2007, Employee A asked Employee B for a date and Employee B declined it. On 4 April 2008, Employee A again asked Employee B for a date. This was:
  - a. Green Zone Behavior
  - b. Yellow Zone Behavior – could be considered sexual harassment under DoD Guidelines
  - c. Red Zone Behavior

# Correct Answer

- **Question 9 = c**

c. Green Zone Behavior

- **Question 10 = b**

b. Yellow Zone Behavior – could be considered sexual harassment under DoD Guidelines

# Are you ready to take the QUIZ?

11. What action should you take if you believe you are a victim of sexual harassment? *(More than one answer can be correct!)*
- a. Contact your supervisor
  - b. Contact your EEO Counselor
  - c. Ignore the behavior
  - d. Ask or tell the person to stop.

# Correct Answer

- **Question 11 = a, b, and d**
  - a. Contact your supervisor
  - b. Contact your EEO Counselor
  - d. Ask or tell the person to stop

# Example 1

- You receive an e-mail from a co-worker with an attachment – nude picture(s) of a male and/or female. You are offended by the picture(s). What are your options?



# Options, but not limited to....

- Delete the picture
- Notify the sender that you find the email offensive
- Report it

## Example 2

- An employee from another department keeps calling you asking you to go out with him or her. You have said no several times and you want him or her to stop asking.
- What will you do?

## Options, but not limited to....

- Request a coworker to inform the employee to stop asking you for a date.
- Notify your supervisor
- Notify his or her supervisor
- Call the EEO Office

# Example 3

- You work in an office where everyone gets along well with each other and there is lot of mild sexual joking going around. Suddenly you find that the tone and nature of the jokes have become more than you can tolerate.

What will you do to address this situation?

# Options, but not limited to....

- Ask for the behavior to stop
- Report it to your supervisor
- Request training

## Example 4

- You notice that your supervisor or coworker stands behind you while you are working and his or her back rubs against you. He or she also asks you to wear suggestive clothing.
- You want this behavior to stop.
- What will you do?

## Options, but not limited to....

- Tell the employee/supervisor to stop the behavior
- Notify your second line supervisor
- Contact the EEO Office



# This Certifies that

Name

Completed the **Prevention of Sexual Harassment**  
Training and Quiz

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Date

(Please send this certificate to Ms. Theresa Spriggs, CHR)